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SIPDIS

STATE FOR OES/ETC:AVILLEGAS

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TAGS: [EAGR](#) [EAID](#) [SENV](#) [TBIO](#)

SUBJECT: HONDURAS: ACCESS TO GENETIC RESOURCES AND
BENEFIT SHARING

REF: 04 SECSTATE 269625

1. Summary: The Government of Honduras has no legislation or regulations which deal specifically with access to genetic resources or the sharing of benefits from such resources. Procedures do exist for the import and export of any biological specimens and for the approval of any activity likely to impact the environment, and the collection and use of genetic resources are covered by these same procedures. A new law on biosafety, which might establish guidelines for Mutually Agreed Terms (MAT) and Prior Informed Consent (PIC), is currently being drafted, with the laws of Argentina and Cuba being used as models. End summary.

2. EconOff spoke to Lessy Palacios of the Biodiversity Office in the Ministry of Natural Resources and the Environment (SERNA) and to Carlos Midence, a lawyer currently working as a consultant for the same office to draft a new law on biosafety. The information below is keyed to the questions in ref tel.

A. Legislation and regulation of research and collection of biological resources

3. Honduras does have an office and an established procedure for the granting of permits for research or collection of biological resources. It is the Department of Protected Areas and Wildlife (DAPVS) within the State Forestry Administration - Honduran Corporation for Forestry Development (AFE-COHDEFOR). Anyone wishing to receive a permit to collect or conduct research on a biological specimen must apply to this office, specifying the items to be collected, the methodology of the proposed research, and who will be conducting and sponsoring the research. This procedure is handled at the national level, and the permits can only be processed and obtained in Tegucigalpa.

4. No negotiation of Mutually Agreed Terms (MAT) is included in the application process. In fact, the entire procedure of granting these research permits actually has no official basis under any Honduran law or regulation - so while researchers are encouraged to apply for the permits, they are not legally required to do so. In the words of Midence of SERNA, the research permit exists "just to make the researcher feel better."

B. Movement of biological specimens

5. Procedures for import and export of non-CITES biological specimens are well established; however, they apply broadly to all movement of flora and fauna and have not been revised in any way to reflect Honduras' ratification of the Convention on Biological Diversity or signing of the Biosafety Protocol.

6. Export permits for non-CITES specimens of flora or fauna are granted by the Department of Protected Areas and Wildlife (DAPVS) in AFE-COHDEFOR. Export permits for aquatic specimens are granted by the Fisheries Department (DIGEPESCA) of the Ministry of Agriculture and Livestock (SAG), which is in charge of managing sea resources. In addition, a phyto-sanitary permit (for plants) or zoo-sanitary permit (for animals) is required for either the import or export of flora or fauna. These are granted by the National Plant and Animal Health Service (SENASA), which is part of SAG.

7. For commercial projects that may have an environmental impact, an environment impact study must be conducted by the Evaluation and Environment Control Office (DECA) of SERNA, and an environmental license must then be granted by SERNA. However, Honduran law is unclear as to when exactly these studies and permits are required. SERNA officials told EconOff that such permits are required for a "large" project but are not required if "a few" specimens are being taken for research.

1C. Laws and procedures for MAT

18. There are currently no Honduran laws or regulations establishing guidelines for negotiating mutually agreed terms for access to genetic resources.

1D. Status of MAT and PIC

19. The Biodiversity office within SERNA is the policy unit responsible for formulating guidelines for MAT and PIC. This office is currently preparing a draft of a new law on biosafety. According to Carlos Midence, who is drafting the law, the draft will include articles which establish guidelines for MAT and PIC. However, Midence acknowledges that such guidelines are somewhat out of place in a law on biosafety, and for this reason he surmises that the guidelines may well not be included in the final version of the law.

110. Given the absence of any legal framework on the issue, both Palacios and Midence of SERNA stressed that researchers should still strive to negotiate MAT and provide PIC when seeking access to genetic resources in Honduras, not because it is required by law, but "because it is the right thing to do."

111. The GOH has no general information that it provides to foreign researchers seeking to obtain permits for research, collection, export or import of biological specimens, apart from the information that is available on the various government agencies' websites:

Ministry of Agriculture and Livestock:	www.sag.gob.hn
Ministry of Natural Resources and the Environment:	www.serna.gob.hn
Honduran Corporation for Forestry Development:	www.cohdefor.hn

Pierce